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H – 4941

International Court of Justice

H4941 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 20.8.48

I certify that Document Number 730-PS was introduced into evidence as Exhibit Number RF-1453 in the Trial by the International Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

DCB-36 (102447)

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C E R T I F I C A T E

I hereby certify that the annexed document 736-PS No. RF-1453 is a photostat of an original document submitted in evidence by the ~~United States~~ French Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nürnberg, 20.8.48

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

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Le document 730 P.S. a été déposé le 30 Janvier 1946

par le Ministère Public Français sous le

nº R.F. 373

TRIBUNAL MILITAIRE INTERNATIONAL des GRANDS CRIMINELS DE GUERRE
MINISTÈRE PUBLIC
DÉLÉGATION FRANÇAISE

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TRIBUNAL MILITAIRE INTERNATIONAL
DES GRANDS CRIMINELS DE GUERRE

Délégation française au
Ministère Public

Document n° : RF 1453

Document 730-PS

Lettre de KEITEL au Ministère
des Affaires étrangères en
date du 17 juin 1944

INTERNATIONAL MILITARY TRIBUNAL
NUREMBERG, GERMANY
RF Exhibit 1453
Filed 2/7/46

Document 730-PS

P R O J E T

Quartier Général du Fuhrer
le 15.6.194x

Le Chef
du Commandement Suprême

WFST/Qu.(Verw.1)Nr.771793/4x gKChefs.II.Ang.

SECRET D'ETAT MAJOR.

Objet: Traitement des aviateurs terroristes.

Au

Ministère des Affaires Etrangères
aux bons soins de M. l'Ambassadeur Ritter,

S a l z b u r g.

Pour la publication des cas qui ont amené la population à appliquer la loi du lynch ou bien dans le cas d'intervention de la Wehrmacht ou la police pour la divulgation des cas qui ont conduit à l'application d'un traitement spécial par le SD, il faut établir d'une manière non équivoque les faits qui caractérisent l'acte criminel au vrai sens du mot.

D'accord avec le Commandant suprême de l'Armée de l'Air (Luftwaffe) j'ai l'intention de déposer la déclarion suivante. Elle devra, le cas échéant, donner les directives au Commandant du centre de rassemblement des aviateurs (Fliegeraufnahmelager) d'Oberrusel pour les cas où les criminels; après enquêtes menées dans ce camp et après confirmation des soupçons pesant sur eux, devront être isolés et remis aux mains du SD.

1.) Attaques contre la population civile; soit contre des personnes isolées, soit contre des groupes;

2.) Tir dirigé contre nos propres aviateurs allemands abattus qui sont encore suspendus à leur parachute.

3.) Attaques dirigées avec les armes de bord contre des trains de voyageurs des transports publics.

4.) Attaques dirigées avec les armes de bord contre les hôpitaux militaires, hôpitaux et trains hôpitaux, qui sont distinctement marqués avec la croix-rouge.

Avant la publication d'un cas par la presse, la radio etc;, on devra s'assurer que le nom, la désignation de l'unité, les lieux où l'évènement s'est passé et toutes les autres circonstances donnent une image non-équivoque, que la publication provoquera l'effet d'horreur devant d'autres assassinats et atteindre ainsi le but recherché. Pour la rédaction de ces avis il faudra tenir compte du fait qu'on doit s'attendre à des protestations issues de toute part du côté ennemi. D'accord avec le Chef de la Sûreté, du service

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de sécurité et du Commandant en Chef de l'Armée de l'Air il a été proposé qu'avant chaque publication, jusqu'à nouvel ordre, une entente se fasse entre le Commandant en Chef de l'Armée de l'Air, le Chef d'E.M. de l'Armée de terre, le Ministère des Affaires Etrangères et le SD, afin d'établir les faits, la date et de décider de la forme à donner à la publication.

Je vous prie de vouloir bien me confirmer, si cela est possible jusqu'au 18 courant, votre accord sur la rédaction et la publication de la procédure projetée.

KEITEL

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OFFICE OF U. S. CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY
Date: 22 September 1945

Doc. No. 730 PS

STAFF EVIDENCE ANALYSIS

DESCRIPTION OF ATTACHED DOCUMENT (Under following headings).

Title and Nature: Top Secret Letter from OKW/WFST to the Foreign Office (Ambassador Ritter) on the killing of certain allied fliers.

Date: 15 June 1944; Original ( ); Copy (X); Language: German.

LOCATION OF ORIGINAL (also WITNESS if applicable) as of 22 September 1945: Unknown; copy OCC Files Nurnberg

SOURCE OF ORIGINAL: From File BDC OKW 1627

PERSONS IMPLICATED: HITLER, Adolf; KEITEL, Wilhelm; JODL, Alfred; WARLIMONT, Walter; GOERING, Hermann; HIMMLER, Heinrich; RIBBENTROP, Joachim v.

REFERENCES TO INDEX HEADINGS (Key to Par. nos. of Summary below): ATROCITIES: against military personnel; US and other--CIVIL LIBERTIES AND OTHER RIGHTS: Criminal Law and Procedure, Changes in--POLICE: SD--REICH GOVERNMENT AGENCIES: Foreign Office: Department of Justice--GENEVA CONVENTION, BREACH OF--WEHRMACHT:OKW:Air Force: OKL

NECESSARY PROCESSING TO PUT IN EVIDENTIARY FORM; LEADS: Document 731 PS, 734 Ps.

SUMMARY OF RELEVANT POINTS (with page references):

1. This is a redraft of document 734 PS in line with Warlimont's marginal notes.
2. Par. 1: for the publication of crimes by allied fliers, leading to lynching or to the special treatment by the SD, a clear statement of the specifications for such crimes is necessary.
3. Par. 2 contains the specifications for crimes which make allied fliers liable to special treatment by the SD. They include strafing of civilians, passenger trains, hospitals and firing on parachuting German Air Crews. (identical with Par. 3 of document 735 PS)
4. Proposal for coordination of publication between OKL, OKW/WFST, Foreign Office and SD. (Par. 3)
5. Request for approval (Par. 4).
6. Initialed by Warlimont and Keitel on bottom of letter. The remark "Dispatched 17 June, 10:30" indicates that this is probably the copy of the actual letter dispatched over Keitel's signature.

Analyst: Hartman
emt

Doc. No. 730 PS

H4941 - 0009

NEW TRANSLATION OF DOCUMENT 730-PS
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

(stamp) Draft.

The Chief Fuehrer HQ, 15 June 1944

of OKW _____ (stamp) Top Secret _____

WFSt/Qu. (Adm. 1) No. 77193/44 top secret C.o.S. matter II.Ang.

3 copies
2nd Copy

Subject: Treatment of enemy terror aviators

(stamp) C.o.S. matter
officers only

(handwritten) dispatched 17 June 1030
(initial)

To
Foreign Office,

attention Ambassador Ritter,

S a l z b u r g.

For the publication of such cases as have led to lynch justice being taken by the population or - in the case of capture by the armed forces or the police - to 'Special Treatment by the SD, it is necessary to determine clearly what facts should be regarded as evidence of a criminal action in this sense.

In agreement with the Ob. d. L., I intend to establish the following definition. It may also serve as instruction to the commander of the reception Camp for aviators at Oberursel in these cases, where investigation in that camp shows that it would be indicated to separate the offender, owing to confirmation of the suspicion, or to hand him over to the SD.

1) Strafing civilians either individuals or crowds;

2) Firing on our own (German) air crews while suspended in parachutes after having been shot down;

3) Strafing regular passenger trains;

4) Strafing military hospitals, hospitals and hospital trains which are clearly marked with the Red Cross.

(page 2 of original)

Prior to publication of any such case in the press, over the radio, etc., it must be ascertained that name, unit, place of occurrence .

H4941-0010

NEW TRANSLATION OF DOCUMENT 730-PS
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

(stamp) Draft.

The Chief of OKW — Fuehrer HQ, 15 June 1944

(stamp) Top Secret

WFSt/Qu. (Adm. 1) No. 77193/44 top secret C.o.S. matter II.Ang.

3 copies
2nd Copy

Subject: Treatment of enemy terror aviators

(stamp) C.o.S. matter
officers only

(illegible) dispatched 17 June 1930
(initial)

To
Foreign Office,

attention Ambassador Ritter,

S a l z b u r g.

For the publication of such cases as have led to lynch justice being taken by the population or – in the case of capture by the armed forces or the police – to 'Special Treatment by the SD, it is necessary to determine clearly what facts should be regarded as evidence of a criminal action in this sense.

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DOC. R.F. N° 1453

voir RF 373

DOC. R.F. N° 1453

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